THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.4628 OF 2006

DATED: 13-02-2007

BETWEEN

P. Anand Rao,
S/o. Late P. Dharmapuri,
Occ: Business, R/o. Plot No.28,
Road No.5, Jubilee Hills,
Hyderabad and others.

...PETITIONERS

AND

The Inspector of Police,
Narsinghi Police Station,
Cyberabad, R.R. District
and another.

...RESPONDENTS

ORDER:

The grievance of the petitioners is that pursuant to the complaints dated 27.09.2005 and 30.01.2006 no action has been taken by the respondents against the offenders.

2. Counter has been filed stating that the petitioner lodged a complaint on 27.09.2005 wherein it was alleged that the first petitioner and his family members are owners of the land admeasuring Ac.9.17 guntas in Sy.Nos.340/5 and 340/6 along with house bearing Nos.2-112 and 2-113 (servant quarters) situated at Narsingi village, Ranga Reddy District having purchased the same through registered sale deed and that one Doddu Chandraiah, Sahadev, Raju and Shivaraj, residents of Narsingi village and 20 other unsocial elements have forcibly trespassed into their land and created

havoc and threatened to kill their watchman with an intention to grab the land.

It is stated that an entry was made in the General Diary on 27.09.2005 and immediately the second respondent and his staff personally visited the scene of offence but no one was found and on enquiry it was revealed that there was no such trespassing or any attempt to grab the land of the petitioner. It is further stated that the second complaint dated 30.01.2007 was not at all filed.

3. Having regard to the facts and circumstances of the case,

I am of the opinion that if the second respondent or any other police officer fails to take immediate appropriate action in preventing such land grabbing attempts and illegal encroachments, the said action constitutes an offence for disobeying the directions of law punishable under Section 166 of the Indian Penal Code, 1860. In such cases, it is for the Commissioner or Superintendent of Police to take appropriate action against the concerned police officers for dereliction of duties by taking departmental as well as criminal action. As in the instant case, it is stated that there was no such threatening or attempt to grab the land of the petitioner, no orders are required to be passed in the writ petition.

The writ petition is accordingly dismissed with a liberty to the petitioner either to file a representation before the Superintendent of Police or to file a private complaint before the concerned Magistrate.

There shall be no order as to costs.

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V. ESWARAIAH, J

February 13, 2007
DSK